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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,362	02/06/2002	Virinder M. Batra	RSW 920010185US1 (7161-18	6050

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EXAMINER	
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ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/068,362	BATRA ET AL.	
	Examiner	Art Unit	
	Angela Widhalm	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This is a non-final office action in response to the remarks filed on 7 February 2006 for Application Number 10/068,362. The claims 1-12 are pending in this application.

2. The text of those sections of Title 35, U.S. Code 103 not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are:

a. Regarding claims 1-12, Applicant claims the act of storing a received request and not the act of receiving a network request for location-based processing from a pervasive device. A received request cannot be stored unless it has first been received.

b. Regarding claims 4-6 and 10-12, Applicant does not previously claim storing an augmented network request, so there cannot be a valid augmented network request stored in cache.

5. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Regarding claims 1-12, Applicant does not define what is meant by location-based processing. Examiner notes that there are many types of location-based actions. Some examples are retrieving a web page, displaying a map with a user's current position, and searching for businesses in a specified region.

7. Regarding claims 1-2, 4-6, 7-8, and 10-12, Applicant does not claim which device receives, stores, or forwards a network request. Nor does Applicant claim which device receives or sends a rejection response. Applicant also does not claim which device locates location information from within a stored network request or which device formulates or forwards an augmented network request. Examiner notes there are many devices at which these functions may be performed. Some examples are a mobile device, a server, or an application. Examiner also notes that these functions may be initiated by a user or by a computer.

Applicant also does not claim where the received network request is stored. Examiner notes there are many possible storage locations with some examples being at a mobile device, in a remotely located database, in a transaction log, in cache, or in a removable storage medium.

For purposes of examination, Examiner interprets this claim such that a web server receives and forwards a network request and that an application stores a log of the network request. Also, the origin of the network request, e.g. mobile device, receives the rejection response from the information center and the network request is modified at the mobile device after a user selects the correct location information.

8. Regarding claims 4-6 and 10-12, Applicant does not claim which device determines if an augmented network request is in cache or which device forwards a valid augmented network request. Examiner notes there are many devices at which these functions may be performed. Some examples are a mobile device, a server, or an application.

9. Regarding claims 5-6 and 11-12, Applicant does not claim which device recognizes patterns or forms and stores pattern associations. Examiner notes there are many devices at which these functions may be performed. Some examples are a mobile device, a server, or an application.

10. Regarding claims 6 and 12, Examiner notes that although the portion of the claims stating "which result in a rejection response for which said required location information cannot be provided to said selected location based application as requested in said rejection response" relates to intended use, Applicant does not describe which device is unable to provide said required location information. Examiner notes that

some examples of devices that may be unable to provide information are a mobile device, a server, an application, or a database.

11. The claimed invention relates to a method and machine-readable storage (collectively referred to as "system") for requesting services from an application not physically connected to the requesting device, e.g. a mobile device. The system further employs a conventional caching concept for storing data, determining whether the request data is previously stored in the cache or storage, and providing data from an appropriate source to improve the efficiency of the network providing data. In which in the same field of endeavor, the applied references teach the same.

Claim Rejections - 35 USC § 103

12. Claims 1-4 and 7-10 are rejected under 35 U.S.C. 103(a) as being anticipated by Kimoto et al. (U.S. Patent 6,829,484), hereafter referred to as Kimoto, in view of Liming (U.S. Patent Publication 2002/0055924).

13. Regarding claims 1 and 7, Kimoto disclosed a system for requesting location-based services comprising the steps of:

receiving a network request for location-based processing (see col. 31 lines 47-56; *user requests a location-based service*; col. 12 lines 35-39; *an information requesting unit for requesting position information or related services from an information center*) from a pervasive device (see figure 6 #4; *mobile terminal*);

forwarding said received network request to a selected location-based application (see figure 18 #S2-S5; *request for a map is sent from the mobile terminal to the WWW server and then to the CGI program*);

receiving a rejection response to said forwarded network request (see figure 18 #S8, figure 46 #D3, *negative outcome is a rejection response*) and identifying in said rejection response a request for required location information (see figure 46 #D5, *selection offered to user is a request for required location information*); and

locating said required location information (see col. 50 lines 33-35, figure 46 #D6; *options are displayed on mobile device for user to make a selection*), formulating an augmented network request with said required location information (see col. 50 lines 33-34, figure 46 #D6; *user selects a landmark from the options provided by the server*), and forwarding said augmented network request to said selected location-based application (see col. 50 lines 35-36, figure 46 #D6; *user's selection is transmitted to information center*), said selected location-based application performing said location-based processing using said required location information provided in said augmented network response (see col. 50 lines 37-41, figure 46 #D7,figure 18 #S6'; *program retrieves map*).

Kimoto did not explicitly disclose storing a received network request or using the stored network request to find required location information.

However, in an analogous art, Liming disclosed storing network packets, i.e. network request, at intermediate or final destinations (see paragraph 154). Within these packets was spatial information (see paragraphs 94, 168), which was also stored (see

paragraphs 74, 89). Liming then also described retrieving network packets and location information from storage (see paragraphs 49, 154, 107, 93).

It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate stored network requests and a transaction log into Kimoto's location-based processing system to reduce the need to repeat previously performed functions. This transaction log would also be obvious and useful for back-up purposes so that less information would be lost in the case of a power failure.

14. Regarding claims 2 and 8, Kimoto-Liming disclosed wherein said network requests are hypertext transfer protocol (HTTP) requests (see Kimoto col. 35 lines 23-28; figure 18 #S3) and said rejection response is a class 4xx HTTP rejection response (see Kimoto col. 35 lines 39-47, figure 18 #S8; *data not found error message*).

15. Regarding claims 3 and 9, Kimoto-Liming disclosed caching said augmented network requests (see Kimoto col. 55 lines 1-12).

16. Regarding claims 4 and 10, Kimoto-Liming disclosed the system of claims 3 and 9, including comprising the steps of:

determining whether a valid augmented network request associated with said received network request can be located within said cache (see Kimoto figure 63 #A3); and,

if said valid augmented network request can be located within said cache, forwarding said valid augmented network request to said selected location based application (see Kimoto figure 63 #A4); and

if a valid network request cannot be located within said cache, storing said received network request (see Kimoto figure 63 #A6) and forwarding said received network request to application (see Kimoto figure 63 #A5).

17. Claims 5-6 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimoto-Liming as applied to claims 4 and 10 above, and further in view of Himmel (U.S. Patent 6,167,441).

18. Regarding claims 5-6 and 11-12, Kimoto-Liming disclosed the limitations, substantially as claimed, as described in claims 4 and 10, further including pattern recognition (see Liming claim 24; *user behavior patterns*) and being unable to provide information as requested (see col. 35 lines 41-44; *data not found error message*).

Kimoto-Liming did not explicitly disclose recognizing a pattern for which information could not be provided as requested in rejection response, formulating an association between this pattern and a particular request, i.e. a set of information, and storing this information, e.g. device type, according to the determined association.

However, in a related art, Himmel disclosed an inventive concept wherein a client snooper gathers information to determine an unknown device type (see col. 8 lines 42-

48). The association between this information and a device type is stored (see col. 8 lines 47-50, col. 9 lines 3-5) so that redirection of a web page could occur automatically the next time a request is received from that device (see col. 8 lines 50-51, col. 9 lines 5-6).

It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate Himmel's pattern recognition with Kimoto-Liming's location-based processing system to improve accuracy and reduce ambiguities in the results provided to the user.

Response to Arguments

19. Applicant's arguments with respect to claims 1-12, listed below as I and II, have been considered but are moot in view of the new ground(s) of rejection.

20. Applicant presented the following arguments with respect to claims 1-12:

I. Kimoto stores and forwards map information rather than a network request.

II. Kimoto does not require the stored network request to be the same network request that is used to locate location information.

21. Note that the Office does not agree with Applicant regarding argument I. Before processing or forwarding a network request, the network request must first be stored. Also, Kimoto did disclose forwarding a network request, e.g. map request, to a selected

location-based application as could be seen in figure 18 steps S2-S5 in which a mobile terminal sent a map request to a WWW server and then to a program.

22. Regarding Applicant's argument II, see page 4 line 21 – page 5 line 10, filed 7 February 2006, with respect to the rejection(s) of claim(s) 1-4 and 7-10 under 35 U.S. C. 102 for anticipation based upon Kimoto have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kimoto in view of Liming.

Conclusion

23. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figs may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela Widhalm whose telephone number is (571) 272-1035. The examiner can normally be reached on M-F, 7:45am-4:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). AW, 24 April 2006

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER